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## 2002 Decisions

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## Opinions of the United States Court of Appeals for the Third Circuit

10-25-2002

# USA v. Brown

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for possessing a weapon in connection with another felony under U.S.S.G. 2K2.1(b). The District Court agreed, and decreased Brown's total offense level to twenty-one, with a guideline range of 77 to 96 months. Thereafter, the District Court sentenced Brown to 80 months imprisonment. Brown also asked the District Court to direct his federal sentence to be served concurrently with a 22-year state sentence. Under U.S.S.G. 5G1.3(c), a sentencing court can direct that a sentence run consecutively to, concurrently, or partially concurrently with a state sentence. The District Court granted Brown's request in part, directing 40 months of his sentence to be served concurrently and 40 months consecutively with the state prison term. The District Court discussed his reasoning with respect to this decision at length during the sentencing proceeding.

After carefully reviewing the briefs and accompanying materials of record, we will affirm the conviction and sentence. Counsel conducted a conscientious review of the record and concluded that there were no non-frivolous issues that could be raised on appeal, as required by Anders. 386 U.S. at 744. We have conducted an independent examination of the record before us, and we agree with counsel that there are no non-frivolous issues that justify review. Because counsel has complied with all of the procedures specified in Anders, we will grant his motion for withdrawal.

For the foregoing reasons, we will AFFIRM the Order of the District Court and GRANT counsel's request to withdraw.

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/s/ Julio M. Fuentes  
Circuit Judge